



**AGENDA OF THE REGULAR SESSION
CITY OF AUBURN PLANNING COMMISSION
1225 LINCOLN WAY, AUBURN, CA 95603**

**June 17, 2014
6:00 PM**

Planning Commissioners

Lisa Worthington, Chair
Roger Luebke
Matt Spokely
Fred Vitas
Nick Willick

City Staff

Will Wong, Community Development Director
Reg Murray, Senior Planner
Lance E. Lowe, AICP, Associate Planner

I. CALL TO ORDER

II. APPROVAL OF MINUTES

June 3, 2014

III. PUBLIC COMMENT

This is the time provided so that persons may speak to the Commission on any item not on this agenda. Please make your comments as brief as possible. The Commission cannot act on items not included on this agenda; however, the items will be automatically referred to City staff.

IV. PUBLIC HEARING

- A. USE PERMIT – 138 ALMOND STREET (ELITE AUTO SPA) – FILE UP 14-02.** The applicant requests approval of a Use Permit to allow Elite Auto Spa, an auto detailing business located at 138 Almond Street, to conduct work outdoors and to allow the use of a 20' x 20' temporary tent structure in conjunction with the business.
- B. USE PERMIT FOR OUTDOOR STORAGE – 701 GRASS VALLEY HIGHWAY (POOR MAN'S BRONZE) – FILE UP 14-03.** The applicant requests approval of a Use Permit to allow outdoor storage for Poor Man's Bronze, a cast aluminum statue business, in the Regional Commercial (C-3) Zone located at 701 Grass Valley Highway.

V. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

- A. City Council Meetings
- B. Future Planning Commission Meetings
- C. Reports

VI. PLANNING COMMISSION REPORTS

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

VII. FUTURE PLANNING COMMISSION AGENDA ITEMS

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

VIII. ADJOURNMENT

Thank you for attending the meeting. The Planning Commission welcomes your interest and participation. If you want to speak on any item on the agenda, as directed by the Chairman, simply go to the lectern, give your name, address, sign in and speak on the subject. Please try to keep your remarks to a maximum of five minutes, focus on the issues before the Planning Commission and try not to repeat information already given to the Commission by a prior speaker. Always speak into the microphone, as the meeting is recorded on tape. It is the policy of the Commission not to begin consideration of a project after 10:00 PM. Such projects will be continued to the next meeting.

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Community Development Department during normal business hours.

**MINUTES OF THE
AUBURN CITY PLANNING COMMISSION MEETING
June 3, 2014**

The regular session of the Auburn City Planning Commission was called to order on June 3, 2014, at 6:00 pm. by Chair Worthington in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Luebkehan, Spokely, Vitas, Willick & Worthington

COMMISSIONERS ABSENT: None

STAFF PRESENT: Will Wong, Community Development Director
Lance E. Lowe, AICP, Associate Planner

I. CALL TO ORDER

II. PLEDGE OF ALLIGENCE

III. APPROVAL OF MINUTES

None

IV. PUBLIC COMMENT

None

V. PUBLIC HEARING

- A. ORDINANCE AMENDMENT OF THE CITY'S SIGN ORDINANCE – ADMIN. FILE 301.3(x. i).** Planning Commission recommendation to the Auburn City Council on an ordinance amending the City's Sign Ordinance (*Auburn Municipal Code Section 159.195 et. seq.*).

Planner Lowe introduced and provided an overview of the proposed ordinance amendment of the City's Sign Ordinance for planning commission consideration.

Chair Worthington inquired about the location of monument signage along public streets considering many of the leases located at the airport.

Planner Lowe noted that all of the airport property is served by public rights-of-ways and streets and future monument signage will be located off of the public streets.

Chair Worthington inquired whether or not the provisions for car signage took into account trailers that are in tow?

Planner Lowe noted that in consultation with the City Attorney, the vehicle code prohibits the city from regulating signage that is permanently affixed (painted, decal, or permanent sign holder) to the body of a motor vehicle for permanent decoration, identification, or display that does not extend beyond the overall length, width, or height of the vehicle.

Director Wong noted that the signs on cars issue was initially raised for political signs.

Commissioner Willick asked about the allowable square footages of monument signage.

Planner Lowe noted the sign areas outlined apply to the other areas of the City and not the AI-DC Zone.

Chair Worthington **MOVED** to Adopt Resolution No. 14-04 to approve the sign ordinance amendment as presented:

Commissioner Vitas **SECONDED** the motion.

AYES:	Luebke, Spokely, Vitas, Willick, Worthington
NOES:	None
ABSTAIN:	None
ABSENT:	None

The motion was **APPROVED**.

VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

- A. City Council Meetings
- B. Future Planning Commission Meeting
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VII. PLANNING COMMISSION REPORTS

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VIII. FUTURE PLANNING COMMISSION AGENDA ITEMS

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

IX. ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Lance E. Lowe, AICP
Associate Planner



CITY OF AUBURN

Planning Commission – Staff Report

Meeting Date: June 17, 2014

Prepared by: Reg Murray, Senior Planner

**ITEM NO.
IV-A**

ITEM IV-A: USE PERMIT – 138 ALMOND STREET (ELITE AUTO SPA) – FILE UP 14-02

REQUEST: The applicant requests approval of a Use Permit to allow Elite Auto Spa, an auto detailing business located at 138 Almond Street, to conduct work outdoors and to allow the use of a 20' x 20' temporary tent structure in conjunction with the business.

RECOMMENDED MOTION:

A. Move to adopt Planning Commission **Resolution 14-7** for Elite Auto Spa (File UP 14-2) as presented, or as amended by the Planning Commission.

ALTERNATIVE MOTION (DENIAL):

B. Move to direct staff to amend Resolution 14-7 for denial of the Use Permit, based upon substantial evidence presented at the public hearing, and provide the amended resolution for Planning Commission consideration at the next Planning Commission hearing.

BACKGROUND:

Owner: Julie Ayres Skinner; 1585 Zolezzi Lane; Reno, NV 89511; Phone: (775) 224-9966

Applicant: Dave Garza; 1373 Lincoln Way, Unit C; Auburn CA 95603; Phone: (530) 888-8005

Location: 138 Almond Street (Attachments 1 & 2)

Assessor's Parcel Number: 002-145-028

Lot Size: ±0.50 acres

Project Site:

Zoning: Central Business District (C-2)

General Plan: Commercial (COMM)

Land Use: Automotive Service

Surrounding Land Uses:

North: Single-family Residential

South: Retail and office

East: Public parking lot

West: Multi-family Residential

Surrounding Zone Districts:

North: Office Building (OB) and Multiple-family Residential (R-3)
East: C-2
South: C-2
West: C-2 and R-3

BACKGROUND:

Elite Auto Spa (EAS) is a vehicle detailing business located at 138 Almond Street, behind Meritage Automotive at 984 Lincoln Way and immediately west of the Elder Station transit stop and the adjacent City parking lot (Attachment 2). The original business license on file with the City indicates that EAS has been in operation since 2009.

In September, 2013, several issues associated with the operation of EAS came to the City's attention including outdoor activities associated with the washing and detailing of vehicles, the erection and use of a shade cover for the detailing services, and the presence of several signs (both on-site and off-site) without permit.

Staff worked with the business owner, David Garza, between October 2013 and April 2014 to address the outstanding issues. Over that time period, Mr. Garza secured the necessary sign permit for his signs, modified his operations to wash vehicles off-site and detail vehicles indoors at his tenant space, and took down the temporary shade structure. As such, the site is currently in good standing with the City.

Mr. Garza would like the ability to conduct certain business activities outdoors (e.g. vehicle washing; detailing) and the ability to utilize the shade cover (referenced above) in conjunction with the outdoor functions (Attachment 3). The project site is located within the Central Business District (C-2) zone, which requires that all activities associated with a business occur within a building unless explicitly allowed otherwise. Accordingly, the business owner is requesting approval of a use permit in order to allow him to wash and detail vehicles outside and to use the shade cover in conjunction with his detailing business.

ANALYSIS:

1. *Zoning and Land Use* – As noted above, the property has a Commercial (COMM) land use designation and is located in the Central Business District (C-2) commercial zone. The detailing business is a service-related commercial use type consistent with the zoning and land use, provided the activities are conducted indoors. Since the application desires the ability to conduct aspects of his business outdoors (i.e. vehicle washing; detailing) he must first secure approval of a use permit. Condition 3 requires that all outdoor work occur in the area near the northeast corner of the building as shown on Attachment 4.

EAS shares their building with an office; the office occupies the front part of the building, with EAS in the rear. Since the tent and outdoor detailing occurs in the back corner of the site adjacent to the EAS portion of the building, it should not interfere with the office tenant. Staff also believes that EAS's use is consistent with the second building on the property (i.e. 948 Lincoln Way). The building at 948 Lincoln Way is designed for

automotive service and is the current home of an automotive repair business (Meritage Auto Center), and formerly includes Big O Tires and Goodyear Tires.

Where applicable, General Plan land use policies and goals noted below are consistent with the Use Permit application:

- Land Use Element Goal 1: Guide development in a pattern that will minimize land use conflicts between adjacent land users.
- Land Use Element Goal 7: Provide a mix of commercial development to serve residents and visitors.
- Circulation Element Goal 5: Provide a full range of adequate public services for all area residents and businesses.

2. *Shade Structure* – Mr. Garza is proposing to utilize a temporary structure (tent) to provide shade while working on vehicles outside of his tenant space. Typically, uses are required to utilize permanent structures in conjunction with their business. The applicant is seeking approval of the use permit to allow for the use of the temporary structure (i.e. the tent cover).

The tent will be located adjacent to the building near the northeast corner of the building (see Attachments 4 and 5). Condition 4 notes the placement of the tent. The size of the tent is 20' x 20'; structures of this size require a building permit. The City has no permit on file for this structure, therefore, EAS will need to secure a building permit from the City before the tent can be erected back on the site (Condition 5).

3. *Parking* – The project site (APN 002-145-028) includes two buildings – 138 Almond Street which includes an office and EAS; and 984 Lincoln Way with the Meritage Auto Center. Based on the size of the two buildings, the required parking for the site is 17 spaces, while the property currently includes a total of 19 spaces. The location of the outdoor detailing area (with the proposed tent cover) will displace one parking stall near the northeast corner of the building (see Attachment 4), which will reduce the available parking from 19 spaces to 18 space. This still exceeds the minimum number of parking spaces, therefore, the site will be compliant with the City's parking standards.
4. *Vehicle Washing* – In conjunction with their detailing service, EAS proposes to wash vehicles outside the building. This is proposed in order to avoid getting to moisture in the building. The City has reviewed the proposal for outdoor washing and notes a potential concern for runoff from the car wash operation, specifically that the operation's "gray" water would be entering the City's storm drain system without proper permits. The Auburn Public Works Department has worked with the applicant and developed an acceptable alternative to draining into the City's system. The applicant will collect their runoff on-site (via a diversion and collection system) and transport their runoff offsite. Condition 6 is included to insure that the collection of project runoff is consistent with the City's requirements.

Based on the discussion above, it is staff's opinion that the finding for approval of the Use Permit can be supported. Specifically, as conditioned, the proposed Use Permit will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will

not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements. Staff therefore recommends approval of the applicant's request.

ENVIRONMENTAL SUMMARY:

The Auburn Community Development Department reviewed this project for compliance with the California Environmental Quality Act (CEQA) and found it to be Categorically Exempt per Section 15301 (Existing Facilities), Section 15303 (New Construction or Conversion of Small Structures) and 15311 (Accessory Structures) of the CEQA Guidelines.

ATTACHMENTS

1. Vicinity Map
2. Aerial Photograph
3. Applicant Letter
4. Site Plan
5. Photo – Tent

EXHIBITS

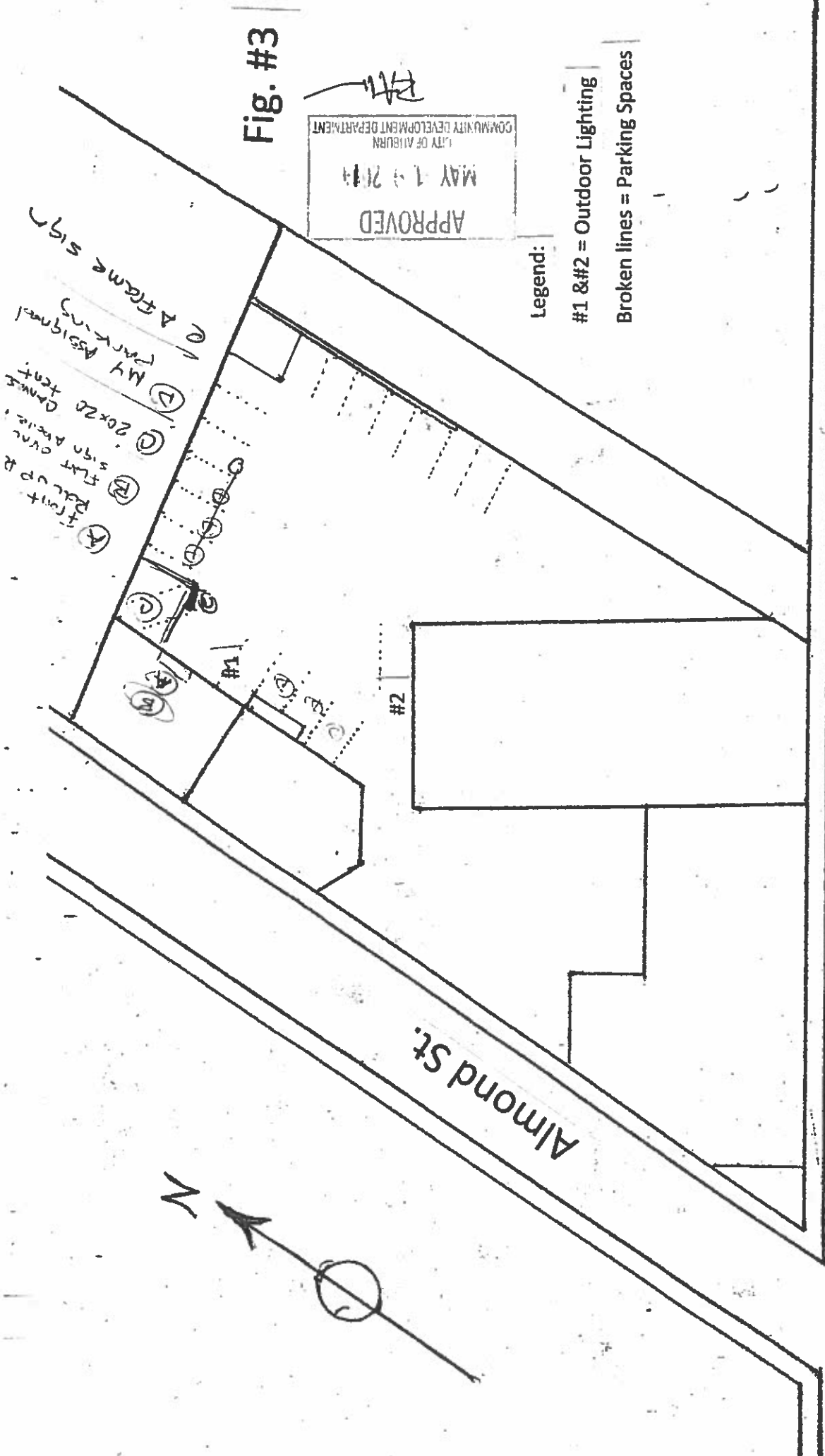
- A. PC Resolution 14-07

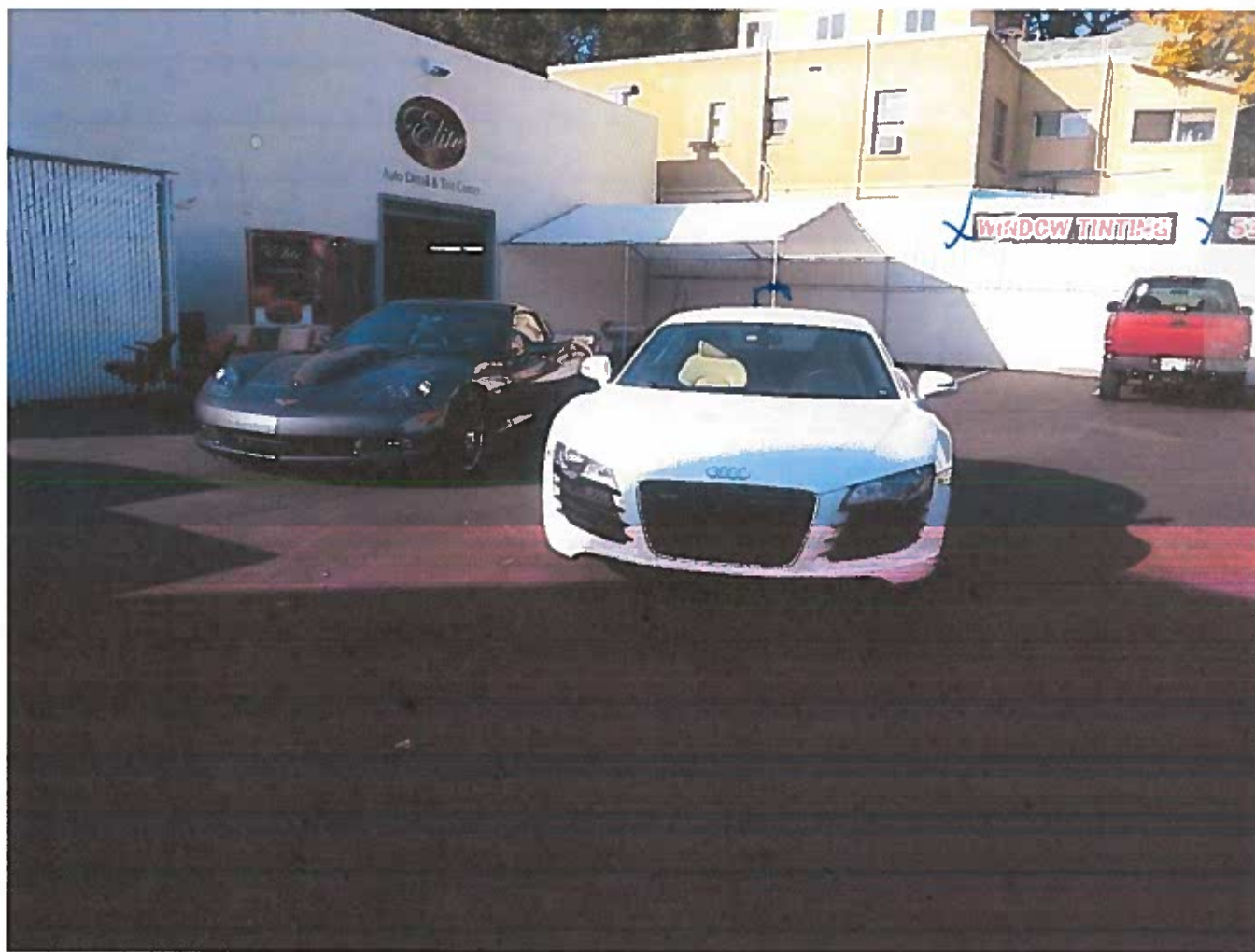
P:\Projects\Use Permits\2014\UP 14-2 Elite Auto Spa.pcreport1





Application to work in front of my business:.....I have an automobile and boat detail shop and must wash the vehicles before polishing and cleaning can be performed. I have been doing so since December of 2009. I put together a pipe and canvas shade structure to work under in front of my business as to not have the direct sun not burn the vehicles as I wash them, It also allows me to continue working when it is raining. The tent is 20 foot by 20 foot and light weight, can easily be rolled around the drive way as it has locking wheels attached to the legs and is kept strapped to the building so as to not be moved by the wind. The tent has been used to serve dinner under at the State theater fund raiser and helped out with the black and white ball. I have verbally been complimented by very important Auburn figure(ie) Ralph Roper, Mike Holmes , David Mackenroth to name a few. Thank You sincerely Dave Garza/
Elite Auto Spa





PLANNING COMMISSION RESOLUTION NO. 14-07

ELITE AUTO SPA (FILE: UP 14-02)

Section 1. The City of Auburn Planning Commission held a public hearing at its regular meeting of June 17, 2014, to consider a Use Permit to allow Elite Auto Spa, an auto detailing business located at 138 Almond Street, to conduct work outdoors and to allow the use of a 20' x 20' temporary tent structure in conjunction with the business.

Section 2. The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the June 17, 2014 Planning Commission meeting.
2. Site plan and project plans submitted by the applicant.
3. Staff presentation at the public hearing held on June 17, 2014.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

Section 3. In view of all of the foregoing evidence, the City of Auburn Planning Commission finds the following for the Use Permit (File UP 14-02):

1. The establishment, maintenance, and/or conduct of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in such neighborhood or have an adverse effect on the inherent residential character of the City.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission finds that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Existing Facilities), Section 15303 (New Construction or Conversion of Small Structures) and 15311 (Accessory Structures) of the CEQA Guidelines.

Section 5. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby approves the Use Permit to allow Elite Auto Spa, an auto detailing business located at 138 Almond Street, to conduct work outdoors and to allow the use of a 20' x 20' temporary tent structure in conjunction with the business., subject to the following conditions:

USE PERMIT (FILE # UP 14-02):

1. The project is approved subject to **Attachments 4&5 and Exhibit A** on file in the Community Development Department. Minor modifications may be approved subject to review and approval by the Community Development Director.
2. The approval date for the variance is **June 17, 2014**. The Use Permit shall be valid for a period of two (2) years and shall become null and void on **June 17, 2016** unless an extension is requested and granted from the Planning Commission.
3. All outdoor work associated with Elite Auto Spa shall occur in the area near the northeast corner of the building (Attachment 4, area C).
4. The tent shall be located on the project site as noted with Attachments 4 & 5.
5. A building permit shall be secured from the Auburn Building Department prior to the placement and use of the tent.
6. Runoff from the car wash operation shall be collected to the satisfaction of the Public Works Department. If project runoff includes discharge into the City's stormwater system, then the applicant shall secure all permits as required by the Public Works Department.
7. The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorneys fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this use permit, or the activities conducted pursuant to this use permit. Accordingly, to the fullest extent permitted by law, the applicant shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this use permit, or the activities conducted pursuant to this use permit. Applicant shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

Section 6. In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner _____ and seconded by Commissioner _____ hereby finds the project exempt from CEQA and approves the Use Permit for Elite Auto Spa at 138 Almond Street subject to the conditions listed above and carried by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED AND ADOPTED this 17th day of June, 2014.

Chair, Planning Commission
of the City of Auburn, California

ATTEST: _____
Community Development Department



CITY OF AUBURN

Planning Commission – Staff Report

Meeting Date: June 17, 2014

Prepared by: Lance E. Lowe, AICP, Associate Planner

**ITEM NO.
IV-B**

**ITEM IV-B: USE PERMIT FOR OUTDOOR STORAGE – 701 GRASS VALLEY
HIGHWAY (POOR MAN’S BRONZE) – FILE # UP 14-03.**

REQUEST: The applicant requests approval of a Use Permit to allow outdoor storage for Poor Man’s Bronze, a cast aluminum statue business, in the Regional Commercial (C-3) Zone.

RECOMMENDED MOTION (APPROVAL):

That the Planning Commission take the following action:

- A. Adopt Resolution No. 14-08 (**Exhibit A**) to approve the Use Permit to allow outdoor storage as presented, or as amended by the Planning Commission, which includes the following actions:
1. Adoption of a Categorical Exemption, prepared for the Use Permit as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;
 2. Adoption of Findings of Fact for approval of the Use Permit as presented in the Staff Report; and,
 3. Approval of the Use Permit in accordance with the Conditions of Approval as presented in the Staff Report.

ALTERNATIVE MOTION (DENIAL):

- B. Direct staff to amend Resolution No. 14-08 for denial of the Use Permit, based upon substantial evidence presented at the public hearing, and provide it for Planning Commission consideration at the next available Planning Commission meeting.

BACKGROUND:

Applicant: Duan LaMoureaux; P.O. Box 1527, Jackson, CA; 95642 (209) 257-1400

Owner: Paul Ferreira; 2145 Grass Valley Highway; Auburn, CA 95603; (530) 885-5623

Location: 701 Grass Valley Highway (**Attachments 1 & 2**)

Assessor’s Parcel Number: 054-101-004

Parcel Size: ±1.6 acres (±70,054 square feet)

Project Site:

General Plan: Commercial (COMM)
Zoning: Regional Commercial (C-3) Zone District
Existing Land Use: Unoccupied Commercial Lot

Surrounding Land Uses:

North:	Auburn Collision Center	South:	Signature Theater
East:	Vacant	West:	Auburn Subaru

Surrounding Zone Districts:

North:	C-3	South:	C-2
East:	C-3	West:	C-2

BACKGROUND:

The subject property located at 701 Grass Valley Highway, has been historically used for automobile sales and has been vacated recently (**Attachment 3 – Site Plan**).

Currently operating in Jackson, CA, for the past six years, Poor Man's Bronze offers a large selection of affordable sculptures and statues along with other collectible art and gifts made from recycled materials. Statue sizes range from life size to desktop for residential, restaurants, municipalities, park & recreation departments, libraries, resorts, catering halls, commercial buildings, parks, zoos, tourist attractions, lawn & garden décor and any facility that requires an art piece. Poor Man's Bronze also offers other recycled metal home and garden decorations such as metal mailboxes, light poles, flags and wall décor (**Attachment 4 – Photographs of Sculptures and Statues** (*Poor Man's Bronze Web-site information may be viewed at: <http://poormansbronze.com/>*).

PROJECT DESCRIPTION/ANALYSIS:

The applicant is proposing to establish Poor Man's Bronze, a cast aluminum statue and collectible art business in the Regional Commercial (C-3) Zone at 701 Grass Valley Highway.

As described above, the business operation would include outdoor storage of statues and other similar type products in conjunction with the businesses' retail and office uses. Accordingly, the applicant is requesting that the Planning Commission approve a Use Permit for outdoor storage in the Regional Commercial (C-3) Zone in accordance with Section 159.033 (B)(11): "Outdoor vending and/or temporary sales of any product for private profit not conducted within a building."

As described, Poor Man's Bronze is an art gallery and gift shop of unique recycled metal statues and home and garden yard art that will carry a large selection and specialize in aluminum animal statues, recycled garden décor, scrap metal art, unique metal art sculptures, wall décor, whimsical recycled home and garden accents, wooden sculptures, resin castings, and junk metal art.

Poor Man's Bronze hours of operation are from: 9am-5pm/7 days/week.

The 701 Grass Valley Highway property is an approximate 1.6 acre property. The property is accessed by State Highway 49 by an approximate 30 foot driveway. The property has an approximate three foot hedge along the Highway 49 frontage. A fire hydrant is located at the north end of the property.

The property contains an approximate ± 900 square foot commercial coach with covered porch and deck and ± 500 square foot coverage accessory building. The property is graded and recently paved with asphalt, including a new accessible parking space located on the north side of the commercial coach.

The property contains ± 15 foot high pole mounted lights throughout and an approximate ± 15 foot high pole mounted illuminated sign located at the entrance (**Attachment 5 - Site photographs**). The City has been trying to phase out pole signs, especially along the Highway 49 corridor. However, in this instance, the existing signage is not considered abandoned and the existing pole mounted freestanding sign, other than the pole design of the sign, is compliant with the City's sign design standards with respect to sign height and area. Accordingly, with respect to design, the sign is legally non-conforming and may remain provided the sign is not modified (excepting replacing the sign face). Staff has therefore not conditioned the project to remove the existing pole mounted free standing sign. It is anticipated that the applicant will be replacing the sign face only, in compliance with the City's Sign Ordinance.

Land Use Compatibility – The subject property is located in the Regional Commercial (C-3) Zone, which permits an array of commercial uses, including, but not limited to: Automobile parking lots, Automobile Dealerships, Furniture Stores, Garden Supply Stores, Hardware Stores, Liquor Stores, Restaurants, Building materials stores (retail), Real Estate and Insurance Offices, Taxicab Stands and similar commercial uses.

Due to the topography, the subject property is separated from adjoining properties to the north, south and west with a hillside. State Highway 49 is located immediately east followed by Auburn Subaru and unincorporated Placer County light industrial uses along Highway 49 to the north. For the past several years, the subject property has historically been used for automobile sales, which likewise has an outdoor display component. Accordingly, the proposed use is not anticipated to have any incompatibility issues with surrounding uses.

General Plan & Zoning Consistency – Where applicable, General Plan land use policies and goals noted below are consistent with the Use Permit application:

- Land Use Element Goal 1: Guide development in a pattern that will minimize land use conflicts between adjacent land users.
- Land Use Element Goal 7: Provide a mix of commercial development to serve residents and visitors.
- Open Space/Conservation Goal 6: Protect visual resources.

The view to the north, south and west is visually characterized as open space considering the hill side surrounding the subject property. The view to the east from State Highway 49 consists of the Auburn Subaru and Light Industrial Uses in the unincorporated Placer County to the north. Based upon the existing land uses in the area, it is not anticipated that the outdoor storage of Poor

Man's Bronze outdoor display of animal statues, recycled garden décor, scrap metal art, unique metal art sculptures, will not have an adverse aesthetic impact on the State Highway 49 corridor.

Zoning – As depicted on the City of Auburn General Plan Land Use Map, the subject property is designated for Commercial use and within the Regional Commercial (C-3) Zone. The Regional Commercial Zone permits commercial uses subject to approval of a Use Permit for Outdoor Storage by the Planning Commission pursuant to Section 159.033 (B)(11) of the City's Zoning Ordinance.

Standard Building, Fire Department and Public Works Conditions have been imposed on the project.

As conditioned, it is staff's opinion that the findings for approval of the Use Permit can be made in the affirmative. Specifically, as conditioned, the proposed Use permit will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements. Staff therefore recommends approval of the applicant's request as presented.

ENVIRONMENTAL DETERMINATION:

The Auburn Community Development Department reviewed the request pursuant to the California Environmental Quality Act (CEQA) and found it to be Categorically Exempt pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

ATTACHMENTS:

- Attachment 1 – Vicinity Map
- Attachment 2 – Aerial Photograph
- Attachment 3 – Site Plan
- Attachment 4 – Poor Man's Bronze Product Photographs
- Attachment 5 – 701 Grass Valley Highway Site Photographs

EXHIBIT:

- Exhibit A – Planning Commission Resolution No. 14-08 with Findings and Conditions



ATTACHMENTS

701 Grass Valley Highway

Project Location

MARGUERITE MINE RD.

YADA ST.

SIGNATURE
TREATED

2



ATTACHMENT 1

701 Grass Valley Highway



N

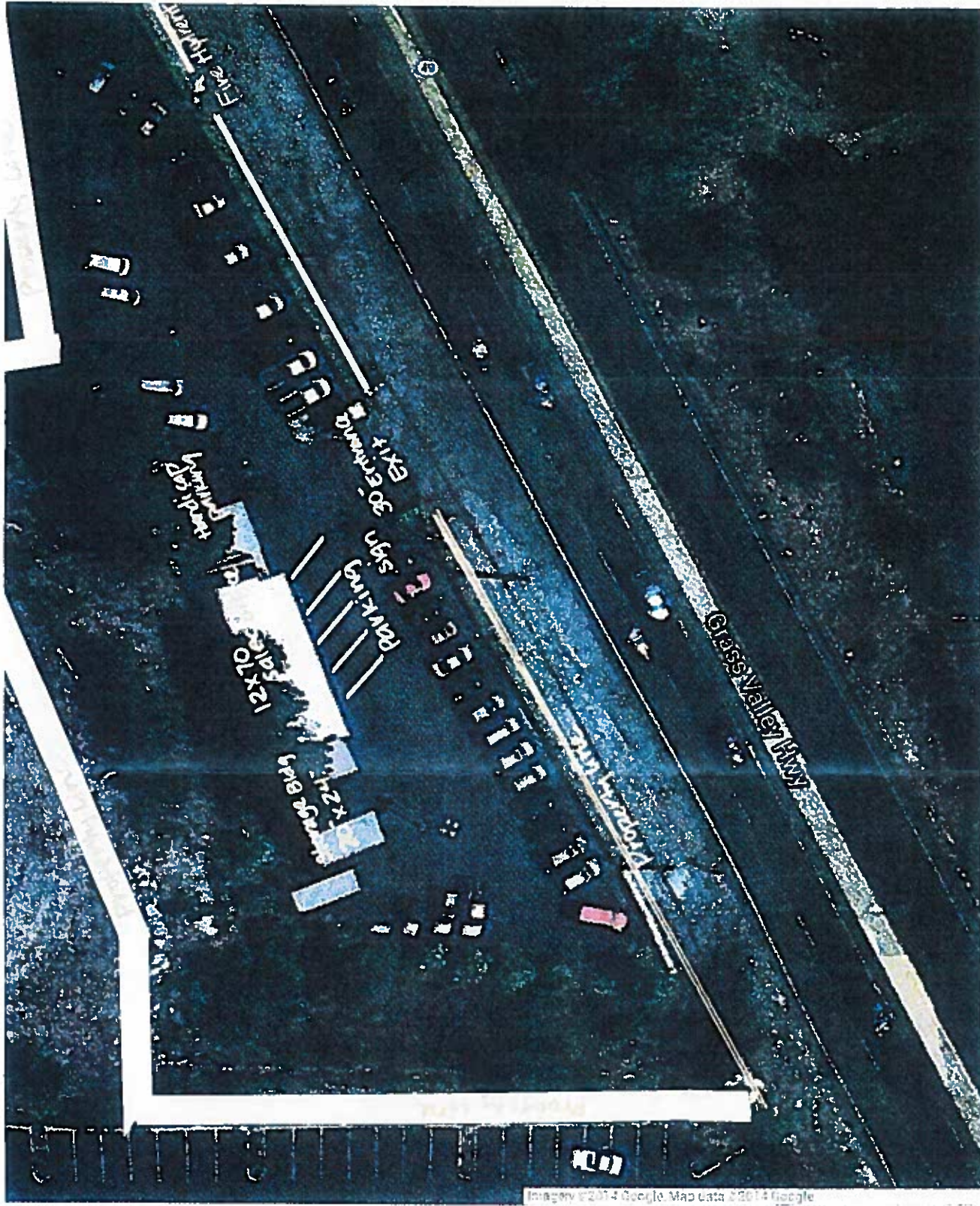


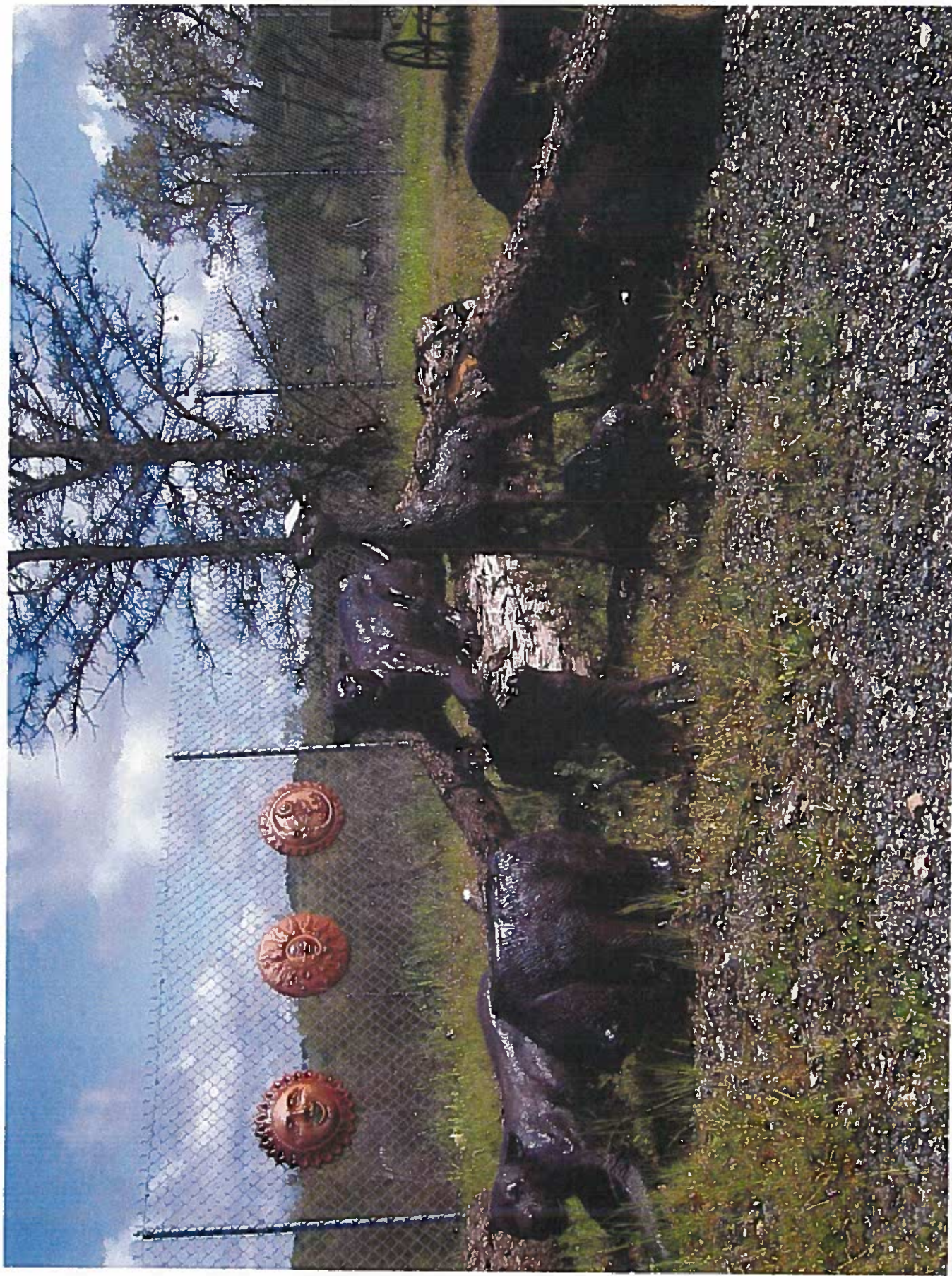
ATTACHMENT 2

Outdoor Sales
Lot

HWY 49 LOTS, LLC
Paul Ferreira
701 Grass Valley Hwy
Auburn CA 95603
(530) 865-5623
(530) 320-0394

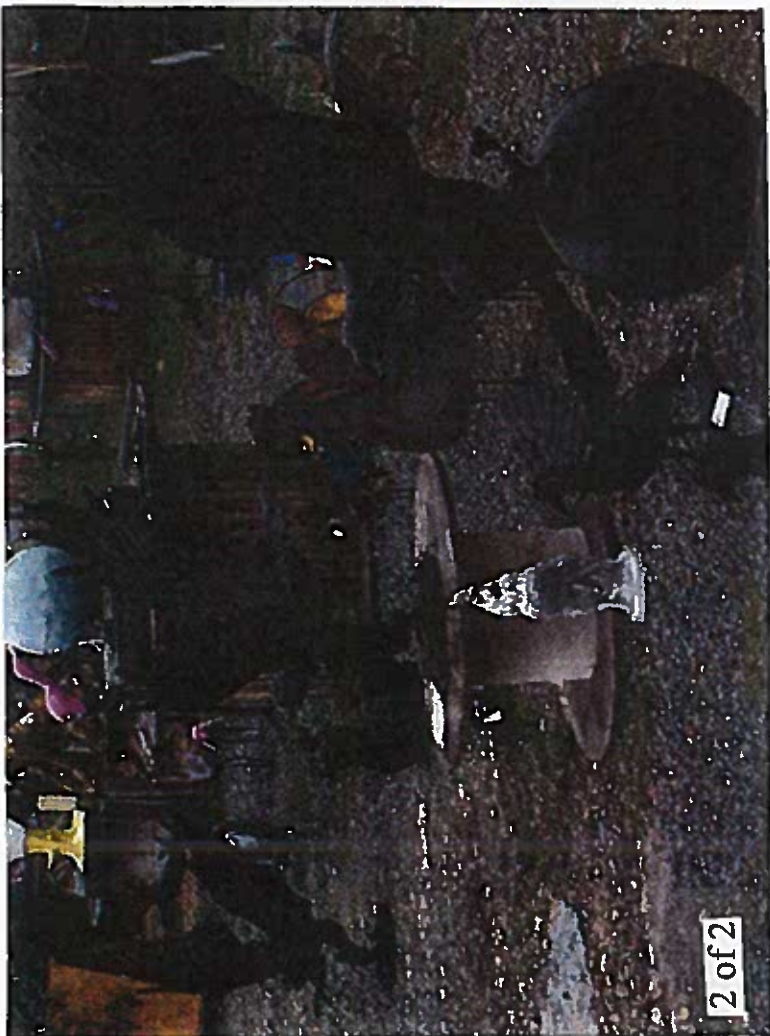
APN 054-101-013
054-101-011

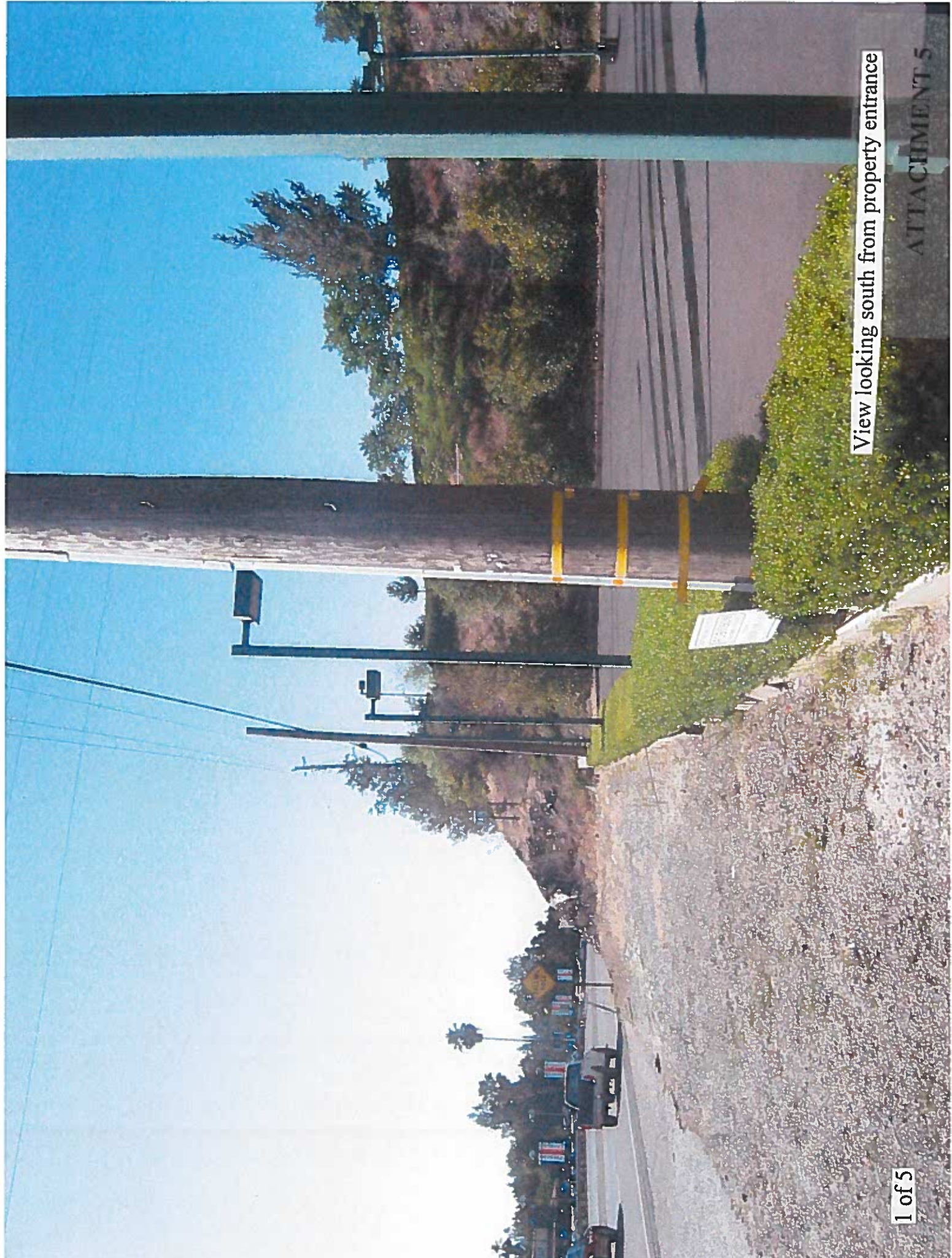




1 of 2

Wild Animal Statues

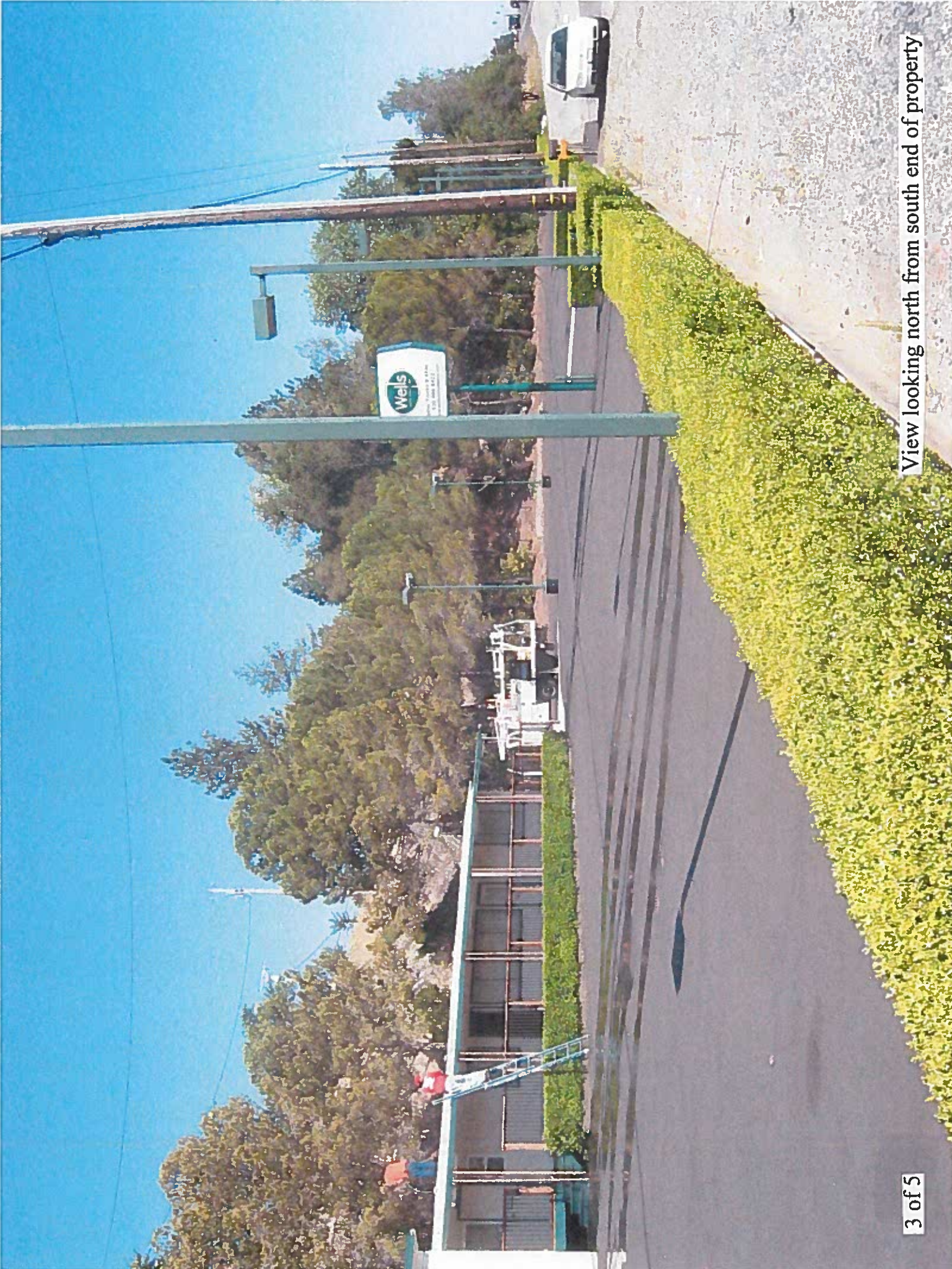




View looking south from property entrance

View looking north from property entrance







View looking west from south end of property



View looking southwest from north end of property

EXHIBIT



EXHIBIT A

PLANNING COMMISSION RESOLUTION NO. 14-8

POOR MAN'S BRONZE (FILE UP 14-03)

Section 1. The City of Auburn Planning Commission held a public hearing at its regular meeting of June 17, 2014, to consider a request for a Use Permit to allow outdoor storage for Poor Man's Bronze, a cast aluminum statue and metal art business, located at 701 Grass Valley Highway (File UP 14-03).

Section 2. The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. Agenda report prepared by the Community Development Department for the June 17, 2014 meeting.
2. Site plan and project description submitted by the applicant.
3. Staff presentation at the public hearing held on June 17, 2014.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

Section 3. In view of all of the foregoing evidence, the City of Auburn Planning Commission finds the following for the Use Permit (File UP 14-03):

1. The establishment, maintenance, and/or conduct of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in such neighborhood or have an adverse effect on the inherent residential character of the City.

Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission finds that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Existing Facilities) of the CEQA Guidelines.

Section 5. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby approves a Use Permit (File UP 14-03) to allow outdoor storage for Poor Man's Bronze to be located at 701 Grass Valley Highway, subject to the following conditions:

A. USE PERMIT (FILE # UP 14-03)

1. This use permit is approved as described in the project description and as shown on the Attachments 1 – 5 of the June 3, 2014 staff report. Minor modifications may be approved subject to review and approval by the Community Development Director. Any substantial revision to the use or any additions will require an amendment to this Use Permit.

2. The approval date for this project is **June 17, 2014**. This project is approved for a period of two (2) years and shall expire on **June 17, 2016** unless the project has been effectuated or the applicant requests a time extension that is approved by the Auburn Planning Commission pursuant to the Municipal Code.
3. A sign permit shall be reviewed and approved by the Community Development Department for any proposed new signage.
4. The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorneys fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this use permit, or the activities conducted pursuant to this use permit. Accordingly, to the fullest extent permitted by law, the applicant shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this use permit, or the activities conducted pursuant to this use permit. Applicant shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

B. BUILDING DEPARTMENT

1. All buildings shall comply with egress, access and all other code requirements per the current editions of the California Codes.
2. Prior to construction, the applicant shall obtain the requisite building, plumbing, mechanical and electrical permits from the Building Division.

C. PLACER COUNTY

1. Prior to the issuance of a Certificate of Occupancy, the applicant shall obtain the requisite permits from the Placer County Environmental Engineering and Health Department(s).

D. PUBLIC WORKS DEPARTMENT CONDITIONS:

1. Prior to any work within the City right-of-way, an encroachment permit shall be obtained from the City of Auburn Public Works Department.

Streets:

2. The applicant shall be responsible for repairing any damage to the existing City roadways sustained as a result of the construction activities associated with this project.

Storm Drainage:

3. The applicant shall use Best Management Practices (BMP's) for the capture of oil and petroleum products from the parking areas. These BMP's shall be subject to Public Works Department approval.

General:

4. All improvements shall be designed and constructed to current City of Auburn Standards.
5. The developer shall require construction contractors and subcontractors to reduce construction waste by source separating construction materials onsite for recycling or require that all construction debris be delivered to the Placer County Western Regional Materials Recovery Facility where recyclable material will be removed.

E. FIRE DEPARTMENT

1. The project shall comply with the standards of and the applicant shall pay all required City of Auburn Fire Department fees.

Section 6. In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner _____ and seconded by Commissioner _____ hereby finds the project exempt from CEQA and approves the Use Permit for outdoor storage for Poor Man's Bronze located at 701 Grass Valley Highway (File UP 14-03), subject to the conditions listed above and carried by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED AND ADOPTED this 17th day of June , 2014.

Chair, Planning Commission
of the City of Auburn, California

ATTEST: _____
Community Development Department